

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION**

GEORGE L. LOPEZ

V.

VETERAN AFFAIR, ET AL.

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1:09-CV-261

**ORDER ADOPTING
MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

The court referred this matter to the Honorable Earl S. Hines, United States magistrate judge, for pretrial proceedings pursuant to General Order 05-07. The court has received and considered the report of the United States magistrate judge, who recommends that the court dismiss plaintiff's case without prejudice for lack of subject matter jurisdiction and as malicious pursuant to 28 U.S.C. § 1915(e)(2)(B)(i).

On April 23, 2009, plaintiff filed objections to the magistrate judge's findings, conclusions, and analysis. This requires a *de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made. 28 U.S.C. § 636(b)(1)(C).


Plaintiff's objections are largely unintelligible, or have no applicability to the magistrate judge's recommendation or to plaintiff's case generally. None impugns the magistrate judge's correct conclusion that this court lacks subject matter jurisdiction in a proceeding to compel the United States Department of Veterans Affairs to increase a disability rating and the amount of monthly benefits paid to a veteran, or the conclusion that this case is malicious pursuant to 28 U.S.C. § 1915(e)(2)(B)(i).

After conducting the required *de novo* review, the court concludes that the magistrate judge's findings, conclusions and analysis are correct. Accordingly, plaintiff's objections are **OVERRULED**, and the magistrate judge's report is hereby **ADOPTED**.

Having adopted the magistrate judge's report and recommendation, the court finds that all pending motions are moot. It is therefore **ORDERED** that all pending motions are **DENIED** as moot. A judgment dismissing this action will be entered separately.

The purpose of the referral having been served, it is further **ORDERED** that the reference to the magistrate judge is **VACATED**.

SIGNED this the 30 day of April, 2009.


Thad Heartfield
United States District Judge